BILL NO. Z-88-01-20

ZONING MAP ORDINANCE NO. Z-05-89

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. E-2.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-3-B (General Business) District under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

> Lot Numbered 1 in Pavey's Subdivision to Fort Wayne, being a Subdivision of Part of the West 1/2 of the Northeast 1/4 of Section 7, Township 30 North, Range 12 East, according to the plat thereof, recorded in Plat Record 14, page 124, in the Office of the Recorder of Allen County, Indiana, less and excepting the South 35 feet of the North 75 feet taken for highway purposes,

and the symbols of the City of Fort Wayne Zoning Map No. E-2, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Janet G. Bradbury
Councilmember

APPROVED AS TO FORM AND LEGALITY:

J. Timothy McCaulay
J. TIMOTHY MCCAULAY, CITY ATTORNEY

Read the first time in full and on motion by Bradbury, seconded by Stier, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19___, at _____ o'clock M.,E.S.T.

DATE: 1-26-88

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the ~~third~~ time in full and on motion by Bradbury, seconded by Stier, and duly adopted, placed on its passage. PASSED ~~LOST~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT
TOTAL VOTES	9				
BRADBURY	✓				
BURNS	✓				
GiaQUINTA	✓				
HENRY	✓				
LONG	✓				
REDD	✓				
SCHMIDT	✓				
STIER	✓				
TALARICO	✓				

DATE: 4-11-89.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) ~~(APPROPRIATION)~~ ~~(GENERAL)~~ (SPECIAL) (ZONING MAP) ORDINANCE ~~RESOLUTION~~ NO. Z-05-89.

on the 11th day of April, 1989,

ATTEST:

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

SEAL

Charles S. Redd
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of April, 1989, at the hour of 1:30 o'clock P.M.,E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 19th day of April, 1989, at the hour of 4:45 o'clock P.M.,E.S.T.

P. Helmke
PAUL HELMKE, MAYOR

Prescribed by State Board of Accounts

A.E. BOYCE CO., MUNCIE, IND. GENERAL FORM NO. 352

Ck# 606069

RECEIPT

№ 2751

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., 12/10 1987

RECEIVED FROM Barrett & McNagny $50.00

THE SUM OF Fifty 100 DOLLARS

ON ACCOUNT OF 5923 Illinois Rd

Wayne R-1 to B3B

AUTHORIZED SIGNATURE

RECEIPT NO. _____

THIS IS TO BE FILED IN DUPLICATE

DATE FILED _____

INTENDED USE _____

I/We Maurice D. O'Daniel and Germaine O'Daniel, husband and wife,
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R-1 District to a/an B-3-B District the property described as follows:

Lot Numbered 1 in Pavey's subdivision to Fort Wayne, being a Subdivision of Part of the West 1/2 of the Northeast 1/4 of Section 7, Township 30 North, Range 12 East, according to the plat thereof, recorded in Plat Record 14, page 124, in the Office of the Recorder of Allen County, Indiana, less and excepting the South 35 feet of the North 75 feet taken for highway purposes.

(Legal Descrption) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED: 5723 Illinois Road, Fort Wayne, IN

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

(Name)	(Address)	(Signature)
Maurice D. O'Daniel	1723 Old Lantern Trail Fort Wayne, Indiana 46825	Maurice D. O'Daniel
Germaine O'Daniel	1723 Old Lantern Trail Fort Wayne, Indiana 46825	Germaine O'Daniel

(If additional space is needed, use reverse side.)

Legal Description checked by _____.
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or requst that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinan being sent to the newspaper for legal publication. If the request for deferra continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at whi it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the mat for hearing before the City Plan Commission. (FILING FEE $50.00)

Name and address of the preparer, attorney or agent.

(Name)	(Address & Zip Code)	(Telephone Number)
BARRETT & McNAGNY ~~(Douglas E. Miller and/or Paul S. Steigmeyer)~~	P.O. Box 2263, Fort Wayne, IN 46801	(219) 423-9551

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Heari approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

Lot Numbered 1 in Pavey's subdivision to Fort Wayne, being a Subdivision of Part of the West 1/2 of the Northeast 1/4 of Section 7, Township 30 North, Range 12 East, according to the plat thereof, recorded in Plat Record 14, page 124, in the Office of the Recorder of Allen County, Indiana, less and excepting the South 35 feet of the North 75 feet taken for highway purposes.

Owners of Property

(Name)	(Address)	(Signature)
Maurice D. O'Daniel	1723 Old Lantern Trail Fort Wayne, Indiana 46825	Maurice O'Daniel
Germaine O'Daniel	1723 Old Lantern Trail Fort Wayne, Indiana 46825	Germaine O'Daniel

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING FROM BEING HELD.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on January 26, 1988 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-88-01-20; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on January 25, 1988.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resoluton adopted at the meeting of the Fort Wayne City Plan Commission held March 6, 1989.

Certified and signed this
16th day of March 1989.

Robert Hutner
Secretary

FACT SHEET

Z-88-01-20

BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE

Zoning Ordinance Amendment
From R-1 to B-3-B

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address

5723 Illinois Road

Reason for Project

Rezoning would make this parcel consistent with the adjacent properties.

Discussion (Including relationship to other Council actions)

25 January 1988 - Public Hearing

Doug Miller, attorney for the petitioners, Maurice & Germaine O'Daniel stated that they were trying to make the property consistent with the property that is adjacent that Mr. O'Daniel already owns. He stated that the rezoning would be consistent with the Comprehensive Plan for the area. He stated that they have no problem with the staff recommendations.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

25 January 1988 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation with the following conditions:

1. Petitioner is to provide a recorded document, in a form acceptable to the City's attorney, agreeing to the following:

a. Petitioner shall grant a 40 foot wide

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	**City Wide** **Other Areas**
Applicants/ Proponents	**Applicant(s)** Maurice & Germaine O'Daniel **City Department** **Other**
Opponents	**Groups or Individuals** **Basis of Opposition**
Staff Recommendation	[X] For [ ] Against **Reason Against**
Board or Commission Recommendation	**By** [X] For [ ] Against [ ] No Action Taken [ ] For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	[ ] Pass [ ] Other [ ] Pass (as amended) [ ] Hold [ ] Council Sub. [ ] Do not pass

DETAILS

ingress/egress easement along the front of the subject property, to be used as a frontage road,

b. Petitioner shall construct and maintain such frontage road to applicable City standards, when directed to do so by the City of Fort Wayne.

c. Any existing driveways to Illinois Rd, shall be subject to review and closure, by the owner, at the discretion of the Traffic Engineering Department.

d. Any obstruction to the frontage road including sight obstructions, shall be removed at the owner's expense.

2. Require maintenace of existing vegetation on site, supplemented with new screening, if necessary, to maintain a minimum of 6 foot high landscape screen between this property and adjoining residential districts, at the time the site is developed. Petitioner should submit a landscape plan for approval by the CD&P Landscape Architect. Such landscape buffer should be at least 30 foot in width.

Of the eight (8) members present seven (7) voted for the motion, one (1) did not vote. Motion carried.

6 March 1989 - Business Meeting

This was returned to the Commission for the reconsideration of the conditions.

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

It was noted for the Commission's information that the staff had been working on the required covenant for some time. The petitioner was also party to a previous covenant for the property immediately adjacent, that was rezoned in 1985.

There is one minor deviation from the imposed requirements, that the Commission was made aware of . The petitioners covenant agrees to dedicate the frontage road instead of granting an easement, which would compliment the 1985 covenant. Staff was of the opinion that this minor change does not conflict with the intent of the Commission, and therefore should be certified and forwarded to Council

Motion was made and seconded on the amended conditions and recommended that the ordinance be returned to the Common Council with a DO PASS recommendation.

Of the eight (8) members present, seven (7) voted for the motion, one (1) did not vote. Motion carried.

Project Start Date December 10, 1988

Projected Completion or Occupancy Date 16 March 1989

Fact Sheet Prepared by Date 16 March 1989

Patricia Biancaniello

Reviewed by Date March 21, 1989

Reference or Case Number

ORIGINAL ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Zoning Ordinance Amemdment 2-88-01-20

DEPARTMENT REQUESTING ORDINANCE Land Use Management

SYNOPSIS OF ORDINANCE 5723 Illinois Road

EFFECT OF PASSAGE Property is presently zoned R-1 - Single Family Residential.
Property will become B-3-B - General Business District.

EFFECT OF NON-PASSAGE Property will remain - R-1 - Single Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

(ASSIGN TO COMMITTEE (J.N.)

Held until April 11th

BILL NO. Z-88-01-20

REPORT OF THE COMMITTEE ON REGULATIONS

JANET G. BRADBURY, CHAIRPERSON
DAVID C. LONG, VICE CHAIRMAN
STIER, SCHMIDT, TALARICO

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) ~~(RESOLUTION)~~ amending the City of Fort Wayne Zoning Map No. E-2

HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID

(ORDINANCE) ~~(RESOLUTION)~~

DO PASS	DO NOT PASS	ABSTAIN	NO REC
Janet G. Bradbury			
D. Schmidt			
Mark Stier			
Samuel J. Talarico			

DATED: 4-11-89.

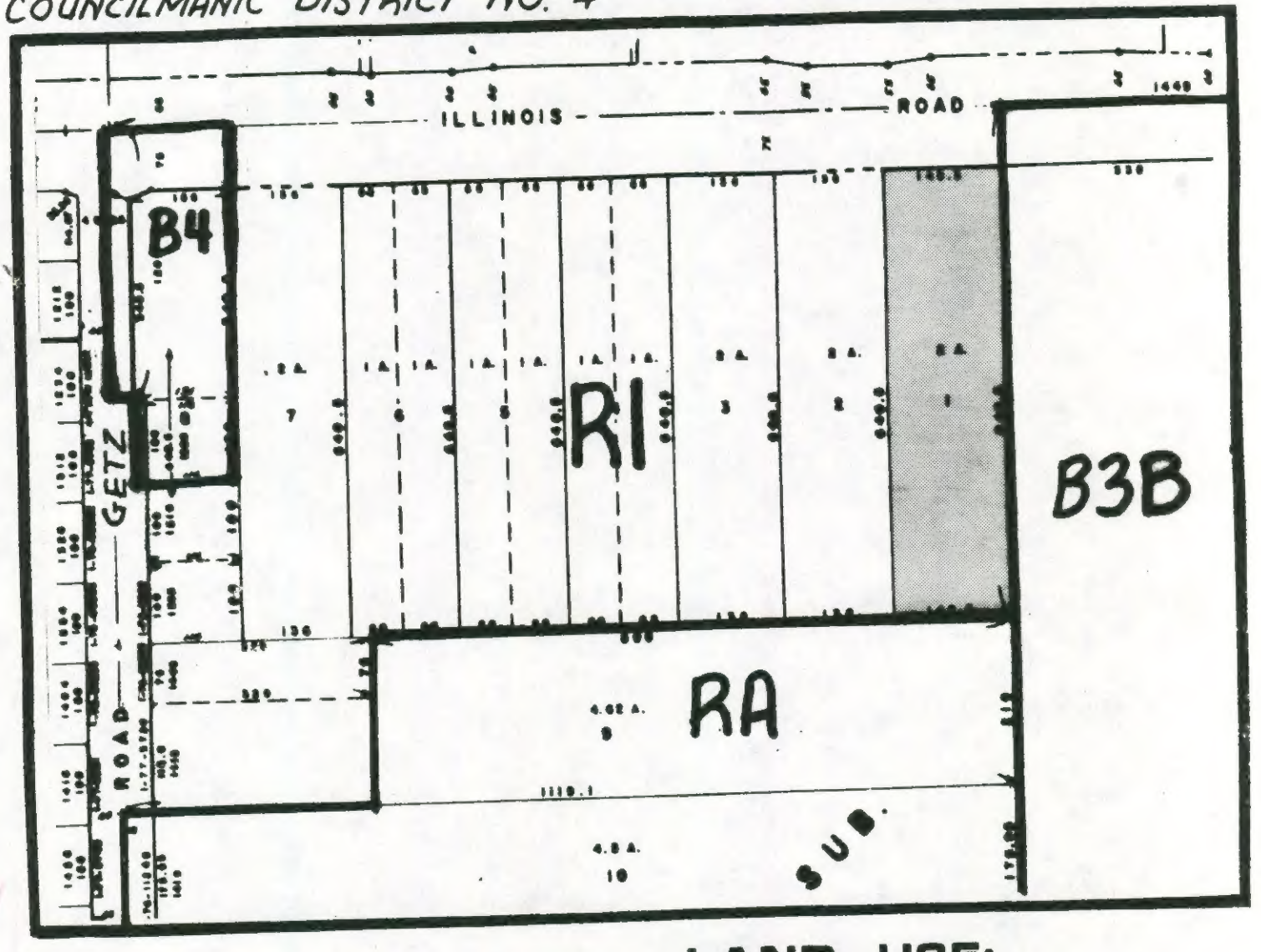
Sandra E. Kennedy
City Clerk

REZONING PETITION #321

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A R-1 DISTRICT TO A B3B DISTRICT.

MAP NO. E-2

COUNCILMANIC DISTRICT NO. 4



ZONING:

R1 RESIDENTIAL DISTRICT
RA RESIDENCE 'A'
B3B GENERAL BUSINESS 'B'
B4 ROADSIDE BUSINESS

LAND USE:

☐ SINGLE FAMILY
☒ COMMERCIAL

N
L.W.

SCALE: 1" = 200'

DATE: 1-4-88